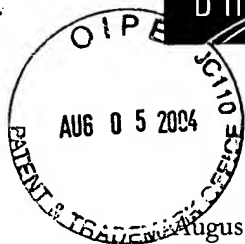


BRYAN CAVE



August 3, 2004

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Mail Stop Amendment  
Commissioner for Patents  
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Re: U.S. Patent Application Serial No.: 10/053,192  
Filed: January 15, 2002  
For:  **$\beta$ ,  $\beta$ -CAROTENE 15,15'-MONOOXYGENASES, NUCLEIC ACID  
SEQUENCES CODING THEREFOR AND THEIR USE**  
Docket No.: 20347 US1 (C038435/0128985)

Sir:

Enclosed is a completed Terminal Disclaimer. Pursuant to Rule 1.20(d), enclosed is a check in the amount of \$110.00 to cover the fee for the filing of this Terminal Disclaimer. Please charge any required fees not otherwise paid by check to Deposit Account No. 02-4467. A duplicate copy of this letter is enclosed.

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Box Amendment, Commissioner for Patents, P.O. Box. 1450 Alexandria, VA 22313-1450, on August 3, 2004.

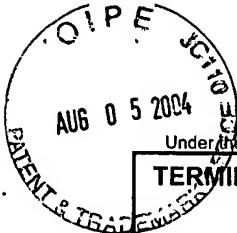
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Respectfully submitted,

By:

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*And Bryan Cave,  
A Multinational Partnership,  
London*

**TERMINAL DISCLAIMER TO OBIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

20347 US1 (C038435/0128985)

In re Application of: Heinrich BACHMANN et al.

Application No.: 10/053,192

Filed: January 15, 2002

For: Beta, beta-CAROTENE 15,15'-MONOOXYGENASES, NUCLEIC ACID SEQUENCES CODING THEREFOR AND THEIR USE

The owner\*, DSM Nutritional Products, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/504,393, filed on February 15, 2000, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

 8/3/04  
\_\_\_\_\_  
Signature Date

Gonzalo Merino, Ph.D., Reg. No. 51,192

Typed or printed name

Phone: (212) 541-2000

Fax: (212) 541-4630

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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